

Jarod M. Bona (BAR NO. 234327)
jarod.bona@bonalawpc.com
Aaron R. Gott (Admitted *Pro Hac Vice*)
aaron.gott@bonalawpc.com
BONA LAW PC
4275 Executive Square, #200
La Jolla, CA 92037
Telephone: (858) 964-4589
Facsimile: (858) 964-2301

Attorneys for Defendants
TAITSU CORPORATION &
TAITSU AMERICA, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE CAPACITORS ANTITRUST
LITIGATION

Case No. 3:14-cv-03264-JD

**TAITSU'S ADMINISTRATIVE MOTION
TO FILE UNDER SEAL PORTIONS OF
TAITSU CORPORATION AND TAI TSU
AMERICA'S SUPPLEMENTAL REPLY
TO PLAINTIFF'S OPPOSITION TO
DEFENDANTS' JOINT MOTION
FOR PARTIAL SUMMARY JUDGMENT
DISMISSING PLAINTIFFS' INDIRECT
PURCHASER CLAIMS BASED ON
FOREIGN SALES OR, IN THE
ALTERNATIVE, TO SIMPLIFY
THE ISSUES UNDER FED. R. CIV. P. 16**

[L.R. 7-11 and 79-5]

Date: January 13, 2015

Time: 10:00 am

Judge: Hon. James Donato
Courtroom 11, 19th Floor

I. Taitsu Defendants' Confidential Information

Pursuant to Local Rules 7-11 and 79-5 and Paragraphs 22-24 of the Court's Standing Order for Civil Cases, Defendants Taitsu Corporation and Taitsu America (collectively "Taitsu Defendants")

hereby respectfully request the Court issue an administrative order that authorizes the Clerk to file under seal the document portions identified in the chart below.

The party moving to seal a document related to a dispositive motion must overcome the “strong presumption in favor of access” by “meeting the compelling reasons standard.” *See Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1178-82 (9th Cir. 2006). As the Ninth Circuit has noted, “in general, ‘compelling reasons’ sufficient to outweigh the public’s interest in disclosure and justify sealing court records exist when such ‘court files might have become a vehicle for improper purposes,’ such as the use of records to . . . release trade secrets.” *Id.* at 1179. Civil Local Rule 79-5 provides for protection of the information through sealing if the requesting party establishes “that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law” through the filing of a declaration. Civil LR 79-5.

As required by Local Rule 79-5(d)(1)(A), declarations establishing that the document portions sought to be filed under seal are sealable are filed concurrently herewith. These declarations, which are cited in the chart below, establish “compelling reasons” for sealing the identified portions of the documents. As demonstrated in the supporting declarations, the portions of the documents sought to be sealed contain confidential, nonpublic, proprietary, and highly-sensitive business or trade secret information that would not normally be disclosed publicly and should remain confidential.

Taitso Defendants' request to file under seal is narrowly tailored to include the following:

Main Document	Exhibit	Portions to Be Filed Under Seal	Reason for Sealing
Taitso Corporation and Taitso America’s Supplemental Reply to Plaintiff’s Opposition to Defendant’s Joint Motion for Partial Summary Judgment Dismissing Plaintiff’s Indirect Purchaser Claims Based on Foreign Sales or, in the Alternative, to simplify the issues under Fed. R. Civ. P. 16	Exhibit C, entitled Declaration of Ken Kobayashi (on behalf of Defendants Taitso Corporation and Taitso America Corporation) (“Taitso Decl.”), Exhibit 1	Information in column “Sales revenue in Japanese Yen” in chart entitled “Taitso Corp. Sales Revenue Summary”	“Sales totals and customer names . . . redacted in order to protect customer privacy and maintain competitive advantage.” Declaration of Aaron R. Gott (“Gott Decl.”) ¶¶ 6-7.

Taitso Corporation and Taitso America's Supplemental Reply	Taitso Decl., Exhibit 2	Information in chart entitled TAITSU AMERICA Sales by Customer Summary	"Sales totals and customer names . . . redacted in order to protect customer privacy and maintain competitive advantage." Gott Decl., ¶¶ 6-7.
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II. Conclusion

In compliance with Local Rule 79-5, redacted and unredacted versions of the documents identified in the chart in Section II above, which will be submitted in support of TAITSU DEFENDANTS' SUPPLEMENTAL REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDANTS' JOINT MOTION FOR PARTIAL SUMMARY JUDGMENT DISMISSING PLAINTIFF'S INDIRECT PURCHASER CLAIMS BASED ON FOREIGN SALES OR, IN THE ALTERNATIVE, TO SIMPLIFY THE ISSUES UNDER FED. R. CIV. P. 16, are lodged herewith. For the foregoing reasons, Defendants respectfully request that the Court grant their Administrative Motion to file under seal and enter the proposed order filed herewith.

Dated: December 18, 2015

Respectfully Submitted,

By: /s/ Jarod M. Bona
Jarod M. Bona

Jarod M. Bona
Aaron R. Gott (*Admitted Pro Hac Vice*)
BONA LAW PC
4275 Executive Square, #200
La Jolla, CA 92037
Telephone: (858) 964-4589
Facsimile: (858) 964-2301
Email: jarod.bona@bonalawpc.com
aaron.gott@bonalawpc.com

*Attorneys for Defendants Taitso Corporation and
Taitso America, Inc.*